

PATENT



A-70895/RBC/VEJ  
Application No. 09/977,151

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

**COPY OF PAPERS  
ORIGINALLY FILED**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **CLOSURE INCLUDING CAP AND FITMENT HAVING GRIPPING MEMBER**, the specification of which

- ☐ is attached hereto.  
☒ was filed on **October 12, 2001** as Application No. **09/977,151** (Attorney Docket No. A-70895/RBC/VEJ).  
☐ and as the application was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number)                      (Country)                      (Day/Month/Year Filed)

☐ Yes    ☐ No

\_\_\_\_\_  
(Number)                      (Country)                      (Day/Month/Year Filed)

☐ Yes    ☐ No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be

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material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.)

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(Filing Date)

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(Status)

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(Application Serial No.)

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(Filing Date)

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(Status)

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; Victor E. Johnson, Reg. No. 41,546 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Direct all telephone calls to **Robert B. Chickering** at (415) 781-1989.

Address all correspondence to:

Robert B. Chickering  
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
4 Embarcadero Center, Suite 3400  
San Francisco, California 94111-4187

File No. **A-70895/RBC/VEJ**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of  
first inventor:

Brian M. Adams

Signature:

*Brian M. Adams*

Date:

12/12/01

Residence:

Newark, California

Citizenship:

United States of America

Post Office Address:

c/o Portola Packaging, Inc.  
890 Faulstich Court  
San Jose, CA 95112

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**POWER OF ATTORNEY BY ASSIGNEE**  
(Not Accompanying Application)

The undersigned assignee of the entire interest in application for letters patent entitled: **CLOSURE INCLUDING CAP AND FITMENT HAVING GRIPPING MEMBER** and having the named inventor(s): **Brian M. Adams; ; and** , Serial No. **09/977,151** filed on **October 12, 2001** hereby appoints the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 3.71: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; and Victor E. Johnson, Reg. No. 41,546; provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to **Robert B. Chickering** at (415) 781-1989.

Address all correspondence to:

Robert B. Chickering  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187

Assignee: **Portola Packaging, Inc.**

Date: 12/13/01

By: **Daniel Luch**

Signature: 

Title: **Vice President  
Research and Development**

Address: **890 Faulstich Court  
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